

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 13, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE - RENOTIFICATION - GPA-34597 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: C (COMMERCIAL) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 1.45 acres at 2701 Westwood Drive (APN 162-09-102-002), Ward 1 (Tarkanian)

C.C.: 09/16/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

10

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards and Letter and Support Postcard
7. Submitted after Final Agenda – Protest Postcard for Items 14 and 15
8. Submitted at Meeting – Call for Service List and Map by Commissioner Quinn and Newspaper Article by Attorney Matthew Dushoff for Items 14 and 15

Motion made by STEVEN EVANS to Approve

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, BYRON GOYNES, GLENN TROWBRIDGE, STEVEN EVANS, GUS FLANGAS; (Against-VICKI QUINN, RICHARD TRUESDELL); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: An initial motion for Denial by QUINN failed with TROWBRIDGE, EVANS, ELLSWORTH and FLANGAS voting NO.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 14 and 15.

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DOUG RANKIN, Planning and Development, explained that the existing warehouse has offices, and the applicant proposes to establish living space with offices to assist individuals with job placement. Staff believed the project could be conducted in a harmonious manner with the existing and future surrounding land uses in the area. Staff recommended approval.

ATTORNEY JAY BROWN and LORA DREJA, 520 South 4th Street, appeared on behalf of the applicant. ATTORNEY BROWN indicated the applicant no longer wishes to pursue the dog training facility. The applicant would like an opportunity to participate in the Nevada Department of Public Safety Division of Parole and Probation's Halfway House Program, which already has guidelines for residence, location and operation of such program. Some of the qualifications include being within one year of release, no offenses relating to sex or violent crimes, eligible for minimal custody, no previous attempts to escape from prison and no violations of rules while in custody. MS. DREJA added that the facility must maintain an annual license and visits are monitored. The existing facility will not have its appearance altered; it will continue to look like a warehouse. Preference will be given to first-time offenders. There is an estimated annual savings of two million dollars for the State. The location is ideal, as it is located near transportation and near frequent bus routes.

MATTHEW DUSHOFF, 3320 West Sahara Avenue, appeared on behalf of the property owner located at 2753 Westwood Drive. He read correspondence then recalled a previous application filed in December 2008, represented by ATTORNEY JAY BROWN, for a non-profit business called Golden Passages, Inc., which was located in the County. DR. ARTHUR WEATHERS is affiliated with Golden Passages, Inc. which currently has a pending lawsuit. DR. WEATHERS is a dentist with no experience in managing such a facility, particularly one with 120 convicted felons. These felons are drug dealers/addicts, alcoholics, burglars and identity thieves, who have been in a State prison for at least a year. In addition, these individuals will be working with various shifts, so there will be traffic through the neighborhood. There are no guarantees relative to protection for the adjacent business owners and residents.

CHAIR TROWBRIDGE questioned whether or not the licensing issue with Golden Passages, Inc. was relative to the subject application, which deals with land use. ATTORNEY DUSHOFF rebutted in that the issue is important, as it relates to the applicant's intentions. He concluded by stating the proposal is not compatible with the surrounding uses and, in fact, the easy access to adjacent properties is simply an opportunity for negative elements. He submitted documentation of similar examples of individuals from this type of facility that have committed heinous crimes.

Rather than the subject location, TODD FARLOW highly recommended the location on the corner of 19th Street and Stewart Avenue. Having been previously jailed and facing a life sentence himself, he understands the individuals who have committed minimal crimes and are stuck in prison because they simply cannot afford an attorney. It was his opinion that these individuals are nice and simply want a chance to start over. They have done their time and deserve another chance in life.

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JOHN HESSLING, Blue Moon Resort, explained that he has worked hard for the past eight years to establish this gay resort. Some of his customers have already expressed concern with the proposal and will not continue patronizing his business, should this proposal go forward. These individuals will be passing by his establishment daily, and his will be the first to be burglarized or his customers will be harmed. In addition, his property value will decline, and he will not be successful in trying to sell his business with the knowledge that it is located next to such a facility. He urged the Commission to deny the request.

DIPESH GANDHI, Vagabond Inn, stated that his business has already suffered a 50 percent decline in business due to the economy. The nearest bus station is at least one mile from the subject site. He believed an approval will negatively impact his business, as well as the others. He agreed with MR. HESSLING that their businesses will eventually close should an approval be granted.

CHRISTOPHER CALDERON; KATHERINE MARTIN, Richfield Neighborhood Association; STEPHANIE and LESLIE HOLMES, all expressed concern for the children and residents' safety.

DR. ARTHUR WEATHERS explained that he has two brothers in the medical profession and one manages a similar facility in Georgia. He has taught adult education for over 30 years and has done prior research relative to this type of business and a suitable location. He filed the aforementioned lawsuit, as there was misrepresentation regarding the square footage and is seeking reimbursement. He pointed out that many homes in the Valley that are running transitional homes. Although they cannot guarantee protection, he stressed that most of the individuals have already served their time and are in transition to re-establishing themselves. Staff, as well as security guards, will be on site and rules will be enforced. The area next to the Vagabond Inn will be screened, as is the other side of the site. There is a waiting list of approximately 200 individuals, and he would like to open up as soon as possible. ATTORNEY BROWN added that there is a transitional home across the street and is only 500 feet away, and there have not been any problems that he is aware of.

COMMISSIONER EVANS questioned the distance relative to residential and the bus route. COMMISSIONER GOYNES responded that there is a cut-through route but it does not travel through the subject area; however, Route 204 travels east/west along Sahara Avenue.

COMMISSIONER ELLSWORTH agreed that the application relates to land use and referred to the Code while pointing out his concern for public safety and the number of individuals coming and going from the facility. DR. WEATHERS commented that there is a transitional home within a residential neighborhood that has over 20 individuals and was confident that neither his facility nor the 120 individuals would be a problem for the residents. ATTORNEY BROWN informed the Commissioner that the other facility close to Circus Circus currently has over 125 men and over 15 women. The Commissioner suggested a review period, to which DR. WEATHERS contemplated. COMMISSIONER EVANS emphasized that without a review, he could not support the application.

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CHAIR TROWBRIDGE indicated that with the current economy, the city will see more individuals released earlier, so this will be a significant issue and will have to be dealt with. In reviewing the renderings, he questioned the lack of landscaping. ATTORNEY BROWN was open to the Commission adding a condition relative to landscaping.

COMMISSIONER TRUESDELL believed DR. WEATHERS was genuine; however, after further discussion, he could not support the request, as he felt he did not have a real understanding of this type of establishment. The Commission has to be somewhat sensitive to the community, particularly how the use will impact existing residences, businesses and business owners who have worked diligently and have no criminal record. He questioned if there would be a recreational area. MS. DREJA responded there will be outdoor leisure, such as basketball hoops and gardening area, and a game room and library will be inside.

ATTORNEY BROWN explained for COMMISSIONER GOYNES the type of offender may be one who has embezzled monies, in essence, non-violent crimes. The Commissioner commented on his experience, not research, in working with incarcerated youths and the work involved in rehabilitating these individuals. He was less supportive of the proposal upon visiting the neighborhood and seeing how very much aware the residents and business owners were of such a request.

COMMISSIONER QUINN visited the site and noticed that a boxing ring facility is less than a quarter mile from the subject site. The owner rehabilitates the youth, and she felt the proposal would be too close to this business. Metro has received over 400 calls regarding various issues on this site. This is a commercial corridor that she has committed to protecting and through the eyes of the business owners and this boxing ring facility, she will stand firm in not supporting this application. She was informed by ATTORNEY BROWN that there are no windows in the subject warehouse, and the only light comes from the sky light. She takes pride in the fact that she is 20 years sober and has helped rehabilitate a teenager.

COMMISSIONER EVANS does not believe there is a perfect location for these facilities, but there needs to be a place where they can be transitioned. These individuals have done their time and wish for an opportunity to become good members of society. He is pained to vote against something COMMISSIONER QUINN is passionate about; however, if approved, he hopes that the applicant will work with the adjacent land owners to be exceptional neighbors.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 14 and 15.